

Open letter from the UK Medical Freedom Alliance and Lawyers for Liberty to:

Rt Hon Boris Johnson – Prime Minister

Rt Hon Nicola Sturgeon – First Minister of Scotland

Rt Hon Mark Drakeford - First Minister of Wales

Rt Hon Arlene Foster - First Minister of Northern Ireland

Rt Hon Matt Hancock – Secretary of State for Health and Social Care

Rt Hon Michael Gove – Minister for the Cabinet Office

Rt Hon Nadhim Zahawi – Minister for Covid-19 Vaccine Deployment

Rt Hon Mark Harper – Chair of COVID Recovery Group

Sir Graham Brady – Chair of Conservative Party 1922 Committee

Ms Elizabeth Denham CBE – Information Commissioner

27 February 2021

Re: Vaccine Passports: The legal and discriminatory implications

The UK Medical Freedom Alliance (UKMFA) is an alliance of UK medical professionals, scientists and lawyers who are campaigning for Medical Freedom, Informed Consent and Bodily Autonomy to be preserved and protected. Lawyers for Liberty is a team of Solicitors and Barristers who are monitoring the legalities of the Government Covid-19 measures. We have grave concerns over recent rhetoric, from government and private businesses, regarding the introduction of vaccine/immunity passports¹ and set out our legal, ethical, and medical objections below.

Evidence of plans to introduce Covid-19 Vaccine/Immunity Passports

Despite the UK Government recently ruling out introducing Covid-19 vaccine passports², stating that they would be “discriminatory”, it is now **confirmed that biometrics firm iProov and cybersecurity firm Mvine have developed vaccine passports**, which will be optionally provided as an app on phones of those vaccinated³. On 13 January 2021, Mvine and iProov announced that their “simple, secure and widely recognised Covid-19 immunity and vaccination passport” will now move into live testing. Backed by Innovate UK, the Mvine-iProov passport will be tested by Directors of Public Health within the NHS. The companies aim to complete two trials by 31 March 2021, to “give **Directors of Public Health across the country the confidence to deploy the passport at scale to benefit their local areas**”.

Recent reports suggest that **the UK Government is funding eight different Covid-19 vaccine passport schemes** and has already paid £450,000 in grants to these companies⁴. One contract worth £42,000 was awarded in November 2020 to Netcompany UK, to develop a “Covid-19 Certification/Passport

¹ <https://www.express.co.uk/news/uk/1401864/coronavirus-vaccine-passports-boris-johnson-michael-gove>

² <https://www.independent.co.uk/news/uk/politics/covid-vaccine-passport-nadhim-zahawi-b1798785.html>

³ <https://www.iproov.com/press/uk-covid19-passport-moves-into-trial-phase>

⁴ <https://www.dailymail.co.uk/news/article-9181135/Government-funding-EIGHT-vaccine-passport-schemes-450-000.html>

MVP⁵. Another government contract worth £34,000 was granted to Hub Company to develop a QR code-based app⁶.

In December 2020, Vaccines Minister Nadhim Zahawi told the BBC that the UK Government is looking at the technology for immunity passports and suggested **that private businesses may opt to deny entry to unvaccinated customers**⁷. In addition, Baroness Harding, head of NHS Test and Trace, said that her staff were researching how to combine test results and vaccine status in the official Covid-19 app.⁸

Implications of introducing Covid-19 Vaccine/Immunity Passports

The concept of issuing vaccine passports has **significant scientific, ethical, legal, social, economic, and political implications**⁹. The government has denied it will make Covid-19 vaccines mandatory, as that would breach human rights laws and be disastrous for public relations. However, the introduction of an official government Vaccine Passport would result in an indirect mandate, allowing pressure to be applied by private companies and other authorities, who will be able to demand a valid Vaccine Passport as a condition of service provision.

Under existing laws against discrimination¹⁰, the government may not be able to prevent businesses from requiring proof of vaccination and may only be able to issue a warning against it, which would have no legal standing. **Parliament must update the legislation as a matter of urgency**. International Health Regulations prohibit health measures that are discriminatory and impede international travel¹¹. UK laws should provide the same protection for its citizens.

Medical concerns around Covid-19 Vaccine/Immunity Passports

Effectiveness of currently available Covid-19 vaccines

1. There is **no scientific evidence that Covid-19 vaccines prevent either infection with or transmission of Sars-CoV-2**, as the clinical trials were not designed to assess these endpoints¹². Therefore, the Covid-19 vaccines have not been shown to have a wider public health benefit beyond the vaccinee¹³.
2. There is currently **no knowledge of the duration of any protective effect from vaccination beyond 3 months**, or whether subsequent booster doses may be required, and how frequently¹⁴.

⁵ <https://www.contractsfinder.service.gov.uk/notice/bf6eef14-6345-429a-a4e7-df68a39bd135?origin=SearchResults&p=4>

⁶ <https://www.contractsfinder.service.gov.uk/notice/4d1b2589-2619-4ff4-858a-1d25cbacd532?origin=SearchResults&p=4>

⁷ <https://www.bbc.co.uk/news/uk-55143484>

⁸ <https://www.msn.com/en-gb/health/familyhealth/prof-opposes-covid-vaccine-passports-but-department-of-health-is-not-aware-of-plans/ar-BB1bZ62x>

⁹ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)31034-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31034-5/fulltext)

¹⁰ <https://www.legislation.gov.uk/ukpga/2010/15/contents/enacted>

¹¹ https://apps.who.int/gb/ebwha/pdf_files/WHA58/WHA58_3-en.pdf

¹² <https://www.bmj.com/content/371/bmj.m4037>

¹³ <https://www.bbc.com/future/article/20210203-why-vaccinated-people-may-still-be-able-to-spread-covid-19>

¹⁴ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html>

3. There is evidence that **naturally acquired immunity from Covid-19 is long-lasting**^{15 16}, yet 'Immunity Passports' are only proposed for vaccinated individuals and not those who have had Covid-19 and have natural immunity. This is discriminatory.

Safety of currently available Covid-19 vaccines

4. **Covid-19 vaccines are still experimental** and under emergency-use authorisation. Clinical safety trials will not be completed until the beginning of 2023.
5. There is currently only **limited short-term safety data and NO long-term safety data** to rule out late onset side-effects such as autoimmune diseases, neurological conditions, infertility, or cancers, for any of the Covid-19 vaccines.
6. Many of the Covid-19 vaccines **are based on a completely novel technology (mRNA vaccines)** which has never previously been approved for use in humans, therefore long-term safety cannot be inferred.
7. Since the Covid-19 vaccine rollout began in December 2020, there already have been **thousands of reports of serious adverse events and deaths** to the VAERS Database in the US¹⁷, the Eudravigilance Database in Europe¹⁸ and the MHRA in the UK¹⁹.
8. Concerns that Covid-19 vaccines may cause antibody-dependent immune enhancement (ADE) have not been addressed in any clinical trials on humans or animals. **ADE causes an exaggerated immune response on exposure to coronaviruses following vaccination, leading to more severe illness**²⁰. This possibility has not been ruled out and is a known and accepted risk to those who accept the vaccines.
9. It is unethical and unlawful to bring in any measure that puts pressure on an individual to submit themselves to a medical intervention which is still experimental and for which the long-term safety profile is unknown.

Discrimination

10. People unable or unwilling to have Covid-19 tests or vaccines, will not be able to "prove" their health status, thus having their **basic freedoms de facto restricted**.
11. Vaccine/Immunity Passports risk enshrining such discrimination in law and **undermine the right to health, of individuals and the population**²¹.
12. Vaccine Passports would be amenable to both corruption and implicit bias. They may exacerbate the harm inflicted by Covid-19 on already vulnerable people, who may be more hesitant to seek medical care due to discriminatory access. Any large-scale deployment of Vaccine Passports could **disproportionately segment society and breach rights to equality and non-discrimination**.
13. Labelling people based on their Covid-19 immunity or vaccine status may fuel a societal stratification along lines of access to medical care, housing, education, public transport, cultural events, hospitality, travel, etc. This concern was raised by the Information

¹⁵ <https://www.nature.com/articles/s41586-021-03207-w>

¹⁶ <https://www.medscape.com/viewarticle/944086>

¹⁷ https://medalerts.org/vaersdb/findfield.php?TABLE=ON&GROUP1=AGE&EVENTS=ON&VAX=COVID19&DIED=Yes&fbclid=IwAR2g1T6xr_sOj6oi2EayTTkUalVmQpZHzmqyCkwNNzRzmKAm755cDZCM92w

¹⁸ <https://reseauinternational.net/la-base-de-donnees-europeenne-des-rapports-deffets-indesirables-indique-que-le-vaccin-pfizer-pourrait-avoir-cause-438-deces-a-ce-jour-en-europe/>

¹⁹ <https://www.gov.uk/government/publications/coronavirus-covid-19-vaccine-adverse-reactions>

²⁰ <https://www.onlinelibrary.wiley.com/doi/10.1111/ijcp.13795>

²¹ <https://medicalxpress.com/news/2020-05-immunity-passports-vaccination-certificates-covid-.html>

Commissioner who stated that **issuing ‘freedom passports’ to people who have been vaccinated would risk creating “a two-tier society”²².**

14. Labelling people based on their Covid-19 immunity status **may exacerbate conflict between groups of citizens** with potential for violence and breakdown of society.
15. In workplaces, there is a serious risk that **social and financial inequalities may be amplified** under a system that disenfranchises unvaccinated employees. If a Vaccine Passport limits the duties that workers can take on, outcomes may be devastating for their livelihoods and lead to polarisation within society.

Legal implications of Vaccine/Immunity Passports

Vaccine/Immunity Passports will face legal challenges using current human rights and equality laws.

The International Health Regulations (IHR) 2005 prohibit health measures that are discriminatory and impede international travel²³. However, the UK does not have laws to expressly address discrimination experienced by those without "immune privilege". **The IHR (2005) and other international laws require states to respect human rights and avoid discrimination.** Under the IHR, states must comply with their obligations to report additional measures, to base measures on scientific principles and evidence, and to use the **least restrictive measures available**²⁴.

The **Parliamentary Assembly of the Council of Europe** passed Resolution number 2361 of 2021 on 27 January 2021²⁵, in which it was stated that:

- Paragraph 7.3.1 - **ensure that citizens are informed that the vaccination is NOT mandatory and that no one is politically, socially, or otherwise pressured to get themselves vaccinated, if they do not wish to do so themselves**
- Paragraph 7.3.2 - **ensure that no one is discriminated against for not having been vaccinated, due to possible health risks or not wanting to be vaccinated.**

The **Universal Declaration on Bioethics and Human Rights** protects an individual’s bodily autonomy, the right to informed consent and the right to refuse medical interventions without penalty or restriction. It states that any preventive, diagnostic and therapeutic medical intervention must only be carried out with the prior, free, and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice²⁶.

Tory MP Steve Baker recently raised the issue of **“implicit coercion”** in Parliament, saying:

“Will [you] agree with me, it’s not enough for the government merely to refrain from coercing people, the government’s also got to pay attention to implicit coercion. That is, if the government turns a blind eye to allowing businesses like airlines and restaurants to refuse to let people in unless they’ve had the vaccination. The government’s got to decide whether it’s willing to allow people to discriminate on that basis.”

²² <https://www.independent.co.uk/news/uk/politics/covid-vaccine-passport-coronavirus-b1792752.html>

²³ <https://www.who.int/ihr/9789241596664/en/>

²⁴ <https://www.who.int/publications/i/item/9789241580410>

²⁵ <https://pace.coe.int/en/files/29004/html>

²⁶ http://portal.unesco.org/en/ev.php-URL_ID=31058&URL_DO=DO_TOPIC&URL_SECTION=201.html

Given the significant risk to individual basic freedoms and division in society, it is urgent that the **UK government passes domestic legislation to make it illegal for businesses to discriminate** against those who have not been vaccinated and to **outlaw Vaccine Passports**.

Global context

The **WHO released a statement** on 15 January 2021 saying that it was opposed "for the time being" to the introduction of "vaccine passports" against COVID-19 as a condition for allowing international travellers entry into other countries, stating, "**There are still too many fundamental unknowns in terms of the effectiveness of vaccines in reducing (virus) transmission and vaccines are still only available in limited quantities**"²⁷.

Despite the WHO's position, there appears to be a global push towards restriction on individual liberty using health and immunity passports. The highly influential **World Economic Forum (WEF)** has been promoting the idea of Covid-19 Passports for several months, as part of their "Great Reset" agenda²⁸. The **new digital "Common Pass" health passport scheme**, backed by the WEF, was piloted for the first time in October, for passengers flying from the UK to the US²⁹.

In November 2020, the Chinese leader Xi Jinping, in his address to other world leaders at the virtual G20 summit, promoted the Chinese model of QR access codes, based on health certificates, to re-enable international travel. Many non-governmental organisations and private corporations are lobbying governments for this technology to be adopted around the world, including the **Tony Blair Institute**³⁰. This demand is not coming from the public and overrides the democratic process.

Private companies are also working on bringing in their own versions of Vaccine Passports such as **IATA and IAG, the parent company of British Airways and Iberia**. They have been working on a digital passport system to "manage, share and verify test data matched with traveller identities" to support the safe reopening of borders. The **IATA Travel Pass** comprises four key parts: a global registry of health requirements, a global registry of testing and vaccination centres, an app for labs and test centres to upload test and vaccination certificates, and an app for passengers to access these certificates, share them with airlines and authorities and to operate as a digital 'passport'.³¹ This would constitute a gross intrusion into the private lives and medical information of individuals by a private company and governments.

In Israel – who have vaccinated a higher proportion of their population than any other country – a disturbing rhetoric is coming from their government. **Israeli Health Minister Yuli Edelstein** wants to encourage widespread vaccination by offering advantages to those who take the vaccine, and by limiting the options of those who do not. He is quoted as saying "**Whoever doesn't vaccinate will only go out to supermarkets or pharmacies, while the vaccinated will go to stadiums and gyms**"³².

²⁷ <https://www.euronews.com/2021/01/15/coronavirus-who-against-vaccine-passports-as-a-condition-for-travel-for-the-time-being>

²⁸ <https://www.weforum.org/agenda/2021/01/what-is-a-vaccine-passport-and-will-you-need-one-the-next-time-you-travel/>

²⁹ <https://www.weforum.org/agenda/2020/07/covid-19-passport-app-health-travel-covidpass-quarantine-event/>

³⁰ <https://www.telegraph.co.uk/global-health/science-and-disease/exclusive-tony-blair-calls-boris-johnson-lead-drive-global-vaccine/>

³¹ <https://www.businesstravelnewseurope.com/Air-Travel/IATA-announces-digital-health-passport-plan>

³² <https://www.timesofisrael.com/government-plans-to-punish-businesses-that-serve-unvaccinated-customers-report/>

Iceland and Denmark have also recently announced plans to adopt Vaccine Passports^{33 34}, and the EU has also raised the possibility of EU Covid-19 Vaccine Passports³⁵.

Proposed Medical Freedom Bill to Safeguard UK Citizens

Save Our Rights, supported by the UK Medical Freedom Alliance and Lawyers for Liberty are currently campaigning, through lobbying MPs and Government, for a Medical Freedom Bill to be brought into law which actively protects and preserves individual medical freedom and bodily autonomy, and to ensure that no individual can be discriminated against, penalised or have restrictions imposed on them, based on their vaccine status³⁶. We urge you to support this important addition to individual legal protections for UK citizens.

Conclusion

In the context of the much-hailed success of the UK Covid-19 vaccine rollout and the desperate public desire for a return to normal life and freedom, we urge you to allow a return to individual responsibility for our own health.

After a difficult and damaging year of unprecedented and draconian restrictions, which have removed so many of our rights and freedoms in the name of Covid-19, it is disproportionate and unnecessary to go down the route of further restrictions and loss of freedoms that a Vaccine/Immunity Passport would entail. It would permanently increase state power over our lives and set a dangerous precedent, which would effectively require the public to accept all vaccines and boosters that the Government or private businesses wish to add to the passport requirements in the future, to be able to enjoy basic human freedoms of movement and association. Vaccine Passports have no place in a democratic and free society and would be a profoundly illiberal, undemocratic, and un-British policy. We urge you not to pursue this dangerous path.

Thank you for your consideration of our concerns.

UK Medical Freedom Alliance
www.ukmedfreedom.org

Lawyers for Liberty
www.democracydeclaration.com/lawyers-for-liberty/

³³ <https://www.schengenvisainfo.com/news/iceland-becomes-first-schengen-country-to-grant-covid-19-vaccination-certificates/>

³⁴ <https://www.thetimes.co.uk/article/denmark-reveals-concrete-plans-for-a-digital-corona-passport-in-world-first-98jrpjt60>

³⁵ <https://www.telegraph.co.uk/news/2021/01/19/brussels-gives-tentative-backing-eu-coronavirus-passports-boost/>

³⁶ <https://saveourrights.uk/medical-freedom-bill/>